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Attorneys for Defendants  
NUVELO, INC., MICHAEL D. LEVY, TED W. LOVE,  
and GARY S. TITUS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

In re NUVELO, INC. SECURITIES  
LITIGATION

Master File No. 07-CV-04056-VRW

**CLASS ACTION**

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
RESETTING HEARING ON NUVELO, INC.'S  
MOTION TO DISMISS FOR MAY 29, 2008**

Hearing Date: May 29, 2008  
Time: 2:30 p.m.  
Courtroom: 6  
Judge: Hon. Vaughn R. Walker

Trial Date: Not yet set

Pursuant to Local Civil Rules 6-1 and 6-2 and this Court's Standing Order, counsel for plaintiffs and counsel for defendants Nuvelo, Inc. ("Nuvelo"), Michael D. Levy, Ted. W. Love, and Gary S. Titus (collectively "Defendants") jointly submit the following Stipulation and [Proposed] Order resetting the hearing date on Defendants' motion to dismiss for May 29, 2008 at 2:30 p.m. and resetting the date for Defendants' reply brief to March 12, 2008.

**WHEREAS**, on December 21, 2007, Defendants filed their motion to dismiss this action pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and Section 21D(b) of the Securities

1 Exchange Act of 1934, 15 U.S.C. § 78u-4(b), (“Motion”) and noticed the Motion for hearing on  
2 March 25, 2008;

3 **WHEREAS**, on February 4, 2008, plaintiffs filed their opposition to Defendants’ Motion;

4 **WHEREAS**, on February 15, 2008, the action was reassigned to the Honorable Vaughn R.  
5 Walker;

6 **WHEREAS**, the hearing date noticed by Defendants is not the day during which the  
7 Honorable Vaughn R. Walker hears civil law and motions;

8 **WHEREAS**, plaintiffs’ counsel and Defendants’ counsel agree that the Motion should be  
9 set for hearing on May 29, 2008;

10 **WHEREAS**, plaintiffs’ counsel and Defendants’ counsel previously agreed by stipulation  
11 that Defendants would file a reply brief on March 5, 2008;

12 **WHEREAS**, plaintiffs’ counsel and Defendants’ counsel agree that Defendants shall file a  
13 reply brief on March 12, 2008.

14 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the parties  
15 hereto through their respective counsel of record, that the hearing on Defendants’ motion to  
16 dismiss is rescheduled for May 29, 2008 and that Defendants’ reply shall be filed on March 12,  
17 2008.

18 **IT IS SO STIPULATED.**

19  
20 Dated: February 28, 2008

COOLEY GODWARD KRONISH LLP

21  
22 /s/  
Grant P. Fondo

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27 Attorneys for Defendants  
28

1 Dated: February 28, 2008

COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP

2  
3  
4 /s/

Dennis J. Herman

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Liaison Counsel for Plaintiffs

9 Dated: February 28, 2008

BERGER & MONTAGUE PC

10  
11 /s/

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Co-Lead Counsel for Plaintiffs

23 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

24 I, Jeffrey M. Kaban, attest that concurrence in the filing of this document has been  
25 obtained from each of the other signatories. I declare under penalty of perjury under the laws of  
26 the United States of America that the foregoing is true and correct. Executed this 28<sup>th</sup> day of  
27 February, 2008, at Palo Alto, California.

28 /s/

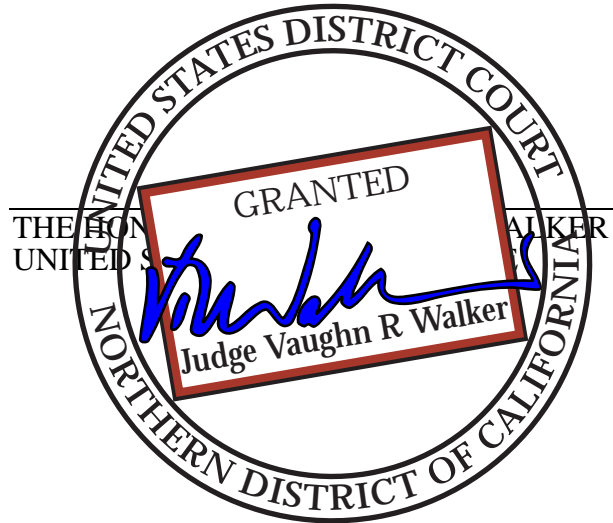
Jeffrey M. Kaban

**~~PROPOSED~~ ORDER**

Upon Stipulation of the Parties and good cause appearing therefore, it is hereby ordered that the hearing date on Defendants' motion to dismiss is hereby rescheduled for May 29, 2008 at 2:30 p.m. and that Defendants' reply shall be filed on March 12, 2008.

**IT IS SO ORDERED.**

March 3  
Dated: ~~February~~ \_\_, 2008



**CERTIFICATE OF SERVICE**  
**(FRCP 5)**

I am a citizen of the United States and a resident of the State of California, over the age of 18 years, and not a party to the within action. I am employed in Santa Clara County, State of California, in the office of a member of the bar of this Court at whose direction the service was made. My business address is Cooley Godward Kronish LLP, Five Palo Alto Square, 3000 El Camino Real, Palo Alto, CA 94306-2155. I served a **STIPULATION AND [PROPOSED] ORDER RESETTING HEARING ON NUVELO, INC.'S MOTION TO DISMISS FOR MAY 29, 2008** in the manner(s) indicated on the parties listed below:

- ☒ BY U.S. MAIL – CCP § 1013a(1)) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at Palo Alto, California.
- ☐ (BY MESSENGER SERVICE) by consigning the document(s) to an authorized courier and/or process server for hand delivery on this date.
- ☐ (BY FACSIMILE – CCP § 1013(e)) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of document(s) to be transmitted by facsimile, and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- ☐ (BY OVERNIGHT MAIL – CCP § 1013(c)) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.
- ☐ (BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of Cooley Godward Kronish LLP for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the undersigned.

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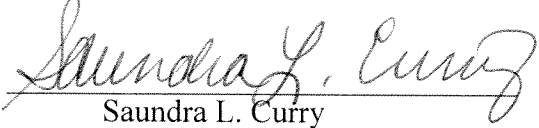
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10 Hartford, CT 06103

11 I declare under penalty of perjury under the laws of the State of California that the above  
12 is true and correct. Executed on February 28, 2008, at Palo Alto, California.

13   
14 Sandra L. Curry